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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,419	08/20/2003	Joseph M. Johnson	KLR/KAR:8394.0001	8061

152 7590 01/27/2004

CHERNOFF, VILHAUER, MCCLUNG & STENZEL
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EXAMINER

GRAY, DAVID M

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 01/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,419

Applicant(s)

JOHNSON ET AL.

Examiner

David M Gray

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 8-23 is/are allowed.
- 6) ☒ Claim(s) 5 and 24-29 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8/20/03. 6) ☐ Other: _____

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 5 and 24-29 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by

Vogt.

Regarding claim 5, the claimed “member” is met by first member 5 and second member

6. The claimed “lever” is met by lever 9.

Regarding claims 24-28, the claimed “member” is met by first member 5 and second member 6. The claimed “actuator” is met by lever 9. The functional limitations are met by the cam surfaces of lever 9.

Regarding claim 29, the claimed “member” is met by first member 5 and second member

6. The claimed “lever” is met by lever 9. The claimed “handle portion” is met by the end of lever 9, which, as shown in drawing figures 3 and 5, extends beyond the corners.

Allowable Subject Matter

Claims 1-4 and 8-23 are allowed.

Claims 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2851

The following is a statement of reasons for the indication of allowable subject matter:

The prior art does not disclose or suggest "a substantially compressible member operably interconnected between said lever and said first side wall" in combination with the remaining claim elements as set forth in claims 1-4, 6 and 7.

The prior art does not disclose or suggest "a force generating member capable of applying a force to said first side wall and said lever" in combination with the remaining claim elements as set forth in claims 8-10 and 17-23.

The prior art does not disclose or suggest "a third member capable of applying a force to said first side wall and said lever" in combination with the remaining claim elements as set forth in claims 11-16.

Kelsey is cited for teaching Belleville washers are commonly used in applications where a stiff low travel spring is needed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David M Gray whose telephone number is 703-308-1698, **the phone number will change to 571-272-2119 after 1/29/2004**. The examiner can normally be reached on M-W & F 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russ Adams can be reached on 703-308-2847, **the phone number will change to 571-272-2112 after 1/29/2004**.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306, **please call before faxing after 1/29/2004**.

A handwritten signature in black ink, appearing to read 'David M Gray', enclosed within a large, loopy oval shape.

David M Gray
Primary Examiner
Art Unit 2851